

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

James Austermiller,

Case No.3:10cv1697

Plaintiff

v.

ORDER

Commissioner of Social Security,

Defendant

This case, which has been referred to United States Magistrate Judge for Report and Recommendation. The Magistrate Judge having filed his Report and Recommendation, to which the parties have not filed an objection. I have reviewed the case, de novo, which I find well-taken on the merits for the reasons stated in the Report and Recommendation, which is incorporated herein by reference as the opinion of the undersigned. Therefore, it is hereby

ORDERED THAT the Report and Recommendation of the United States Magistrate Judge be, and the same hereby is adopted as the Order of this Court. The defendant's motion to remand is granted and plaintiff's request for judgment is denied. Leave granted to the defendants of 60 days in which the defendant must either locate the missing recording or have the Appeals Council remand the case to an ALJ for a de novo hearing.

So ordered.

s/James G. Carr
U.S. District Judge